

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JANSSEN PHARMACEUTICALS,
INC., JANSSEN PHARMACEUTICA
NV, and JANSSEN RESEARCH &
DEVELOPMENT, LLC,

Plaintiffs,

v.

MYLAN LABORATORIES LIMITED,

Defendant.

Civil Action No.

20-13103 (EP) (LDW)

**ORDER GRANTING JOINT MOTION
TO SEAL PORTIONS OF THE
PARTIES' POST-TRIAL BRIEFING**

THIS MATTER having come before the Court by way of the unopposed joint motion to seal portions of the parties' Opening Post-Trial Briefs and Proposed Findings of Fact and Conclusions of Law (ECF Nos. 135, 136, 137, 138); Defendant's Corrected Proposed Findings of Fact and Conclusions of Law (ECF No. 139); and the parties' Responsive Post-Trial Briefs (ECF Nos. 141, 142), which were filed under temporary seal; and the Court, having reviewed the submissions and considered the factors contained in Local Civil Rule 5.3(c)(3), makes the following Findings of Fact and Conclusions of Law:

1. The parties seek to seal the materials identified in the Indices submitted in support of the joint Motion to Seal (ECF Nos. 154-2; 154-4), which contain highly confidential, competitive, and non-public information relating to the parties' drug product research and development efforts, Janssen's New Drug Application ("NDA") and the regulatory approval process therefor, and Mylan's Abbreviated New Drug Application ("ANDA"). (ECF No. 154-1 ¶ 5).
2. The documents contain what the parties consider to be highly sensitive proprietary material concerning their intellectual property, research and development, and business operations. (*Id.*; ECF No. 154-3 ¶¶ 4-6). The documents sought to be sealed have been marked

“Confidential” pursuant to the parties’ Discovery Confidentiality Order (ECF No. 28) entered by the Court on April 22, 2021. (ECF No. 154-3 ¶ 1).

3. The parties certify that the information has been treated as confidential, that the documents are not a matter of public knowledge, and that disclosure of such sensitive confidential information would place the parties at a disadvantage in the highly competitive pharmaceutical marketplace. (ECF Nos. 154-1 ¶¶ 5-6; 154-3 ¶¶ 8-9).
4. Accordingly, the parties have legitimate interests in protecting this information from disclosure and would suffer clearly defined injuries if the information were to be made public.
5. There exists no countervailing public interest in having access to the information at issue.
6. The Court is satisfied that there is no less restrictive alternative available than to seal the information. The parties seek to seal only that information that is entitled to protection and have submitted redacted versions of the materials for filing on the public docket. (ECF Nos. 147-153).
7. The parties have thus satisfied the requirements for sealing under Local Civil Rule 5.3(c).

WHEREAS, the Court having found that there are legitimate interests warranting the relief sought; and no opposition to the motion having been filed; and for good cause shown:

IT IS on this day, April 4, 2023,

ORDERED that the motion to seal is **GRANTED** and the information identified in the Indices to the Motion to Seal (ECF No. 154-2; 154-4) is hereby ordered **SEALED**.

The Clerk of Court is requested to terminate the motion ECF No. 154.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge